

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Thursday, 26 November 1992

TRANSPORT SAFETY BILL

Proposed Amendments

Hon. W. ROB STOREY, in Committee, to move the following amendments:

Clause 3: To omit from line 14 and also from lines 25 and 26 on page 5 the words "it has".

Clause 4: To insert in line 25 on page 6, after the words "a first offence," the words "on conviction,".

Clause 5: To omit from line 1 on page 8 the word "to", and substitute the words "in respect of".

Clause 6: To insert in line 25 on page 8, after the word "adding", the expression ", as subsection (1A),".

Clause 7: To insert in line 9 on page 9, after the expression "1978 and", the word "as".

Clause 8: To omit this clause, and substitute the following clause:

8. Approval of traffic improvement schools and defensive driving courses—The principal Act is hereby amended by repealing section 39A (as substituted by section 11 of the Transport Amendment Act (No. 3) 1983), and substituting the following section:

"39A. The Secretary may, by notice in the *Gazette*, approve any traffic improvement school conducted by the Department, any local authority, any defensive driving organisation, or any other person or organisation as a school or organisation that conducts courses available to persons in respect of whom orders disqualifying them from holding or obtaining a driver's licence have been made by any Court; and may in like manner revoke any such approval."

Clause 8A: To omit from line 31 on page 11 the words "that Act", and substitute the words "the Summary Proceedings Act 1957".

To omit from line 26 on page 12 the word "offence:", and substitute the expression "offence; or".

Clause 9: To insert, before subclause (1) in line 2 on page 18, the following subclause:

(1A) Section 42A (7) of the principal Act (as substituted by section 17 of the Summary Proceedings Amendment Act 1987) is hereby amended by repealing paragraph (h), and substituting the following paragraph:

“(h) In the case of an alleged infringement offence that is a stationary vehicle offence, a summary of the provisions of section 41A of this Act; and”.

To omit from lines 3 and 4 on that page the words “substituted by section 17 of the Summary Proceedings Amendment Act 1987”, and substitute the words “so substituted”.

Clause 12: To omit from line 29 on page 19 the word “those”, and substitute the word “demerit”.

Clause 15: To insert, after line 21 on page 22, the following subclause:

(1A) Section 57A (1) of the principal Act (as so substituted) is hereby amended by inserting, after the definition of the term “Ministry analyst”, the following definition:

“‘Passive breath-testing device’ means a passive breath-testing device of a kind approved by the Minister by notice in the *Gazette*.”.

To omit from lines 26 to 28 on that page the definition of the term “passive breath-testing device”.

To omit from line 39 on page 22 the expression “20”, and substitute the expression “25”.

Clause 16: To insert in line 15 on page 25, after the expression “150”, the words “but does not exceed 400”.

Clause 21A: To insert in line 16 on page 29, as subclause (1), the following subclause:

(1) Section 58H (4) (c) (i) of the principal Act (as substituted by section 7 of the Transport Amendment Act (No. 2) 1988) is hereby amended by omitting the expression “section 58 (1) (d)”, and substituting the expression “section 58 (1) (g)”.

To omit from lines 17 and 18 on that page the words “substituted by section 7 of the Transport Amendment Act (No. 2) 1988”, and substitute the words “so substituted”.

New clause 23A: To insert, after clause 23, the following clause:

23A. Constable or traffic officer may prohibit or prevent driving—Section 63 (3) of the principal Act (as substituted by section 9 (2) of the Transport Amendment Act (No. 2) 1988) is hereby amended by omitting from paragraph (a) (i) and also from paragraph (b) (i) the words “an apparently unlicensed driver or the holder of a learner licence or a restricted licence for the relevant vehicle”, and substitute in each case the words “a person apparently under 25 years of age”.

Clause 27: To insert in line 25 on page 32, after the word “applies”, the words “in respect of any rail service vehicle or”.

Clause 28: To insert in line 21 on page 33, before the words “of any person”, the word “or”.

Clause 32: To insert in line 35 on page 39, after the words “such vehicles”, the words “and components”.

To omit from line 31 on page 40 the word “motor” where it secondly occurs.

Clause 33: To omit from line 10 on page 43 the words “but requires”, and substitute the words “and which, but for this subsection, would require”.

Clause 38: To omit from line 30 on page 49 the word “respectively”, and substitute the words “in their appropriate alphabetical order”.

To omit from line 17 on page 51 the word “rail”.

To omit from line 8 on page 52 the expression “rule 3 (1)”, and substitute the words “any of rules 3 (1), 12 (1), 16 (1), and 19”.

To insert in line 30 on that page, after the words “passenger service vehicle,”, the words “rail service vehicle,”.

To insert in line 31 on that page, before the words “vehicle recovery service”, the word “or”.

To omit from lines 31 and 32 on that page the words “, or rail service vehicle”.

Clause 41: To insert in line 24 on page 54 and also in line 15 on page 56, after the words “at risk”, the words “of death or serious injury”.

Clause 46: To omit from line 21 on page 61 the words “ply for”, and substitute the words “accept a”.

To omit from line 17 on page 62 and also from line 15 on page 63 the words “plies for”, and substitute the words “accepts a”.

To omit subclause (3) from lines 17 and 18 on page 63.

Clause 54: To omit from line 40 on page 74 the words “special audits of the safety system”, and substitute the words “special safety audits”.

To insert in line 41 on that page, after the words “rail service”, the word “operation”.

To insert in line 3 on page 75, after the words “safety systems”, the words “and rail service operations”.

To omit from line 40 on page 77 the word “have”, and substitute the word “has”.

To omit from line 2 on page 78 the word “have”, and substitute the word “has”.

To omit from lines 13 and 14 on that page the words “those improvements or repairs”, and substitute the words “that remedial action”.

Clause 55: To insert in line 40 on page 80, after the expression “6E,” the expression “6F,”.

To omit from lines 40 and 41 on that page the expression “39E, 39K, and 39M”, and substitute the expression “39D, 39E, and 39K”.

Clause 60: To omit from line 33 on page 83 the word “its”, and substitute the word “their”.

Clause 61: To insert in line 30 on page 85, after the words “a hire”, the words “in any area”.

To omit from line 32 on that page the words “the area for which the hire is requested”, and substitute the words “that area”.

Clause 64: To omit subclause (4) from lines 8 to 22 on page 88, and substitute the following subclause:

(4) Section 5 of the principal Act is hereby further amended by adding the following subsection:

“(6) Where the licence in respect of any motor vehicle is suspended under subsection (1B) of this section, the term of the licence shall be deemed to be extended by the period of the suspension but no licence fee shall be payable in respect of the period by which the licence is so extended.”

Clause 69: To omit from lines 25 and 26 on page 91 the words “In cases to which subsection (1) (a) (ii) of this section applies, there”, and substitute the word “There”.

Clause 75: To omit from line 10 on page 96 the expression “25”, and substitute the expression “24”.

Clause 80: To omit from line 39 on page 100 the expression “paragraphs (d) to (f) of”.

Clause 82: To insert, after line 15 on page 103, the following definition:

“Road” has the same meaning as in section 315 of the Local Government Act 1974; and includes a road under the jurisdiction of any local authority; and also includes a State highway within the meaning of section 2 (1) of the Transit New Zealand Act 1989; but does not include—

(a) A private road or footpath within the meaning of that section; or

(b) A motorway within the meaning of the Transit New Zealand Act 1989; or

(c) Any roadway laid out by order of the Maori Land Court under Part XXVII of the Maori Affairs Act 1953 or under any former Act, except where that order has been cancelled, or where the roadway has been declared under section 421 of that Act to be a road; or

(d) Any level crossing.

Clause 86: To insert in line 10 on page 106, before the word “removed”, the word “be”.

Clause 89: To insert in line 3 on page 108, after the words “applies to”, the words “any railway line operated solely for the use of”.

Clause 93: To omit from line 11 on page 111 the words “or sign”, and substitute the words “sign, or source of the signal or radiation”.

To insert in line 39 on that page, after the words “or erected”, the words “or emitted”.

Clause 95A: To omit from lines 23 and 24 on page 115 the words “(or any Act repealed by that Act)”.

Clause 95H: To omit from lines 23 and 24 on page 118 the words “has the meaning given to it in section 2 of the Transport Act 1962, but also”.

Clause 96: To omit from line 15 on page 119 the expression “(d)”, and substitute the expression “(g)”.

Clause 100: To omit from line 32 on page 121 the expression “43 to 45”, and substitute the expression “44 and 45”.

To omit from line 33 on that page the expression “sections 43 and”, and substitute the word “section”.

To add to line 5 on page 122 the words “, and one or more Orders in Council may be made bringing different paragraphs of that subsection into force on different dates”.

Clause 101: To omit this clause.

Clause 103: To insert, after the definition of the term “rail service vehicle” in lines 28 and 29 on page 123, the following definition:

“ ‘Secretary’ means the chief executive of the Ministry of Transport.”

Clauses 104 and 105: To omit these clauses, and substitute the following clauses:

104. Functions of Commission—Section 8 (2) (f) of the principal Act is hereby amended—

- (a) By inserting, after the expression “1990”, the words “or section 39c of the Transport Services Licensing Act 1989”:
- (b) By inserting, after the word “Authority” (as substituted by section 39 of the Civil Aviation Amendment Act 1992), the words “or the Secretary, as the case may require,”.

105. Commission may make reports to Secretary and give notice where appropriate—(1) Section 9 (1) of the principal Act is hereby amended by inserting, after the word “Authority” (as substituted by section 39 of the Civil Aviation Amendment Act 1992), the words “or the Secretary”.

(2) Section 9 of the principal Act is hereby further amended by omitting the word “aviation” in both places where it occurs, and substituting in each case the word “transport”.

105A. Commission to notify Secretary of accidents and incidents not being investigated—Section 10 of the principal Act is hereby amended by inserting, after the word “Authority” (as substituted by section 39 of the Civil Aviation Amendment Act 1992), the words “or the Secretary, as the case may require,”.

Clause 107: To insert in line 25 on page 126, after the word “Authority”, the words “or the Secretary, as the case may require,”.

Clause 107A: To omit this clause, and substitute the following clause:

107A. Conduct of investigation—Section 14 (3) of the principal Act is hereby amended—

- (a) By inserting, after the words “the consent of the Commission,”, the words “which consent shall not be unreasonably withheld”:
- (b) By inserting, after the word “Authority” (as substituted by section 39 of the Civil Aviation Amendment Act 1992), the words “and the Secretary”.

Clause 109: To omit from line 38 on page 129 the expression “(f)”, and substitute the expression “(c)”.

To omit from line 41 on that page the expression “(2) (f) (ii)”, and substitute the expression “(2) (c) (ii)”.

Clause 116: To omit subclause (2) from lines 25 and 26 on page 134.

First Schedule: To insert in the second line of the item 1990, No. 105, before the expression “31A”, the expression “19,”.

Second Schedule: To omit this Schedule.

EXPLANATORY NOTE

The amendments set out in this Supplementary Order Paper are technical improvements.